IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE NINTH DAY OF AUGUST
TWO THOUSAND AND FOUR

-

PRESENT

THE HON'BLE MR JUSTICE V.V.S.RAO

WRIT PETITION NO : 1442 of 1999

-

Between:

Chennakesava Swamy Temple, rep. by its Chairman,

Mr. N. Venkata Subba Reddy,

Cuddapah.

.... PETITIONER

AND

-

1. The District Collector, Cuddapah District.
2. The Commissioner, Endowments Department, Hyderabad.
3. The Assistant Commissioner, Endowments Department, Cuddapah.
4. The Mandal Revenue Officer, Pendlimarri Mandal, Cuddapah District.

....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ of Mandamus or any other appropriate Writ or Order or direction declaring the action of the 1st respondent in resorting to the acquisition of the temple lands belonging to the petitioner herein in Survey Nos.550/3 and 550/5 admeasuring Acs.2.65 cents of Nandi Mandalam Village of Pendlimarri Mandal, Cuddapah District without following the due process of law under the Land Acquisition Act and the procedure in vogue in the Endowments Department fixing a very low amount for the said lands as arbitrary, illegal and violative of principles of natural justice and consequently set aside the acquisition proceedings initiated by the 1st respondent.

Counsel for the Petitioner: MR.P.SRINIVAS REDDY

Counsel for Respondents: GP FOR LAND ACQUISITION

The Court made the following ORDER:

Sri Chennakesava Swamy Temple, Nandi Mandalam Village seeks a Writ of Mandamus declaring the action of the District Collector, Kadapa in resorting to acquisition of temple lands in S.No.550/3 and 550/5 admeasuring Acs.2.65 of the said village as arbitrary and illegal.

It is the case of the petitioner that without due process of law, the respondents are acquiring the land belonging to the temple for provision of house sites.

In the counter affidavit, it is brought out that a notification under Section 4(1) of the Land Acquisition Act 1894 (for short 'the Act') was issued on 12-3-1996 and the same was also published in the news papers on 20-3-1996 and 22-3-1996. A declaration under Section 6(1) of the Act was issued on 14-3-1996, which was published in the newspapers on 22-3-1996 and 23-3-1996. Therefore, the allegation that the respondents are acquiring the lands in violation of law is not correct. However, it is brought to my notice that though declaration was issued on 23-3-1996, award has not been passed. Be it noted that under Section 11 -A of the Act, the Collector shall have to make an award within a period of two years from the date of publication of declaration. In this case no award has been passed. Therefore, now, the respondents cannot pass award in respect of the draft notification dated 12-3-1996. It is, however, open to the respondents to acquire the lands in accordance with law by issuing fresh notification duly giving notice to the temple authorities.

The Writ Petition, with the above observations, is disposed of no costs.

_____

V.V.S. RAO, J.

09th August, 2004

Js

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1. The District Collector, Cuddapah District.
2. The Commissioner, Endowments Department, Hyderabad.
3. The Assistant Commissioner, Endowments Department, Cuddapah.
4. The Mandal Revenue Officer, Pendlimarri Mandal, Cuddapah District.
5. 2 CCs to G.P. for Land Acquisition, High Court Buildings, Hyderabad. (OUT)
6. 2 CD copies.